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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,203	10/13/2005	Masahiro Yamauchi	1254-0295PUS1	1272
2292 7590 06/26/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER TRINH, TAN H				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 06/26/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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mailroom@bskb.com

Office Action Summary

Application No.

10/553,203

Applicant(s)

YAMAUCHI, MASAHIRO

Examiner

TAN TRINH

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1, 2, 9-11, 16 and 17 is/are allowed.
6) ☒ Claim(s) 4-8, 12-15 and 18-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract is separated in 5 paragraphs. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 6-8, 13, 15, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelton (U.S. Pub. No. 2003/0231655) in view of Yasukohchi (U.S. Patent No. 5,920,673).

Regarding claims 4 and 6, Kelton teaches a radio video transmission system which transmits video data from a transmitter to a receiver by radio (see fig. 1-3, page 1, sections [0005-0006]), the system being characterized by comprising: reception status analyzing means for analyzing a status of reception by the receiver, of video data transmitted by the transmitter (see fig. 1-3, page 1, sections [0008-0009 and page 4-5, sections [0034, and 0042-0045], page 5, section [0049]). In this case, when the error rate increase periodically and the detection of the transmission is interrupted and quality is compromised reception status analyzing by the receiver and send the (feedback) a status of reception base on the signal to noise ratio and data rate adjustment to transmitter, the detecting interruption of communication of data periodically is transmitted from transmitter and detected by the receiver. And transmitter transmission rate

switching instructing means for transmitting to the transmitter (see page 1, sections [0008-0009 and page 5, section [0049]). In this case, when the error rate increase periodically and the detection of the transmission is interrupted and quality is compromised by the receiver and send the (feedback) to transmitter, that is detecting interruption of communication of data periodically transmitted detection transmitted by the receiver. An instruction on a change in a rate at which is the transmitter transmits video data, according to results of the analysis by the reception status analyzing means (see page 5, sections [0047-0052]). In this case, the transmitter is switching data rate and transport channel in response to receiver base on the feedback on the quality of data and channel characteristics instruction from the receiver.

Still regarding claims 4 and 6, Kelton teaches a radio video transmission system which transmits video data from a transmitter to a receiver by radio (see fig. 1-3, page 1, sections [0005-0006]), the system being characterized by comprising: reception status analyzing means for analyzing a status of reception by the receiver of video data transmitted by the transmitter (see fig. 1-3, page 1, sections [0008-0009 and page 4-5, sections [0034, and 0042-0045], page 5, section [0049]). But Kelton does not mention the newly added limitation of: *a compression rate switching unit changing a compression rate of the video data* according to results of the analysis by the reception status analyzing unit. However, such teaching is taught by Yasukohchi (see fig. 1, the input section 101, receiving the video data from a transmitter and controller 104 is instructs the video/audio input switching unit 106 to change frame rate and resolution and digital video compressing 109 is changing a compression rate, see col. 4, lines 62-67, col. 5, lines 1-7, and col. 5, lines 62-col. 6, lines 4). In this case, since the Kelton teaches the analyzing a status of reception by the receiver and Yasukohchi teaches determining of the transfer rate of the result

on the reception unit with alert signal detected and changing the compression rate, so that the combination of Kelton and Yasukohchi is teaching the limitation of the claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Kelton with Yasukohchi, in order to provide control section for controlling data transfer between the input section and recording section (see suggested by Yasukohchi on col. 3, lines 20-23).

Regarding claims 7-8, 13 and 15, Kelton teaches the results of the analysis by the reception status analyzing means is an error rate or a change rate of the error rate measured during a fixed period (see page 3, sections [0030]). In this case, the error rate or a change rate is measured in the fixed period when the data rate is varied from 6 Mbps to 54 Mbps at a fixed time period.

Regarding claims 18-20, Kelton teaches characterized in that at least one of the receiver and transmitter is a communication apparatus connected to AV equipment by inter-equipment communication (see fig. 1 and 2, the VCR or DVD is AV equipment, page 2, section [0023]).

4. Claims 5, 12, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelton (U.S. Pub. No. 2003/0231655) in view of Yasukohchi (U.S. Patent No. 5,920,673) further in view of Bourne (U.S. Pub. No. 2004/0218672).

Regarding claim 5, Kelton teaches a radio video transmission system which transmits video data from a transmitter to a receiver by radio (see fig. 1-3, page 1, sections [0005-0006]), And instruction on a change in a rate at which is the transmitter transmits video data, according

to results of the analysis by the reception status analyzing means (see page 5, sections [0047-0052]). In this case, the transmitter is switching data rate and transport channel in response to receiver base on the feedback on the quality of data and channel characteristics instruction from the receiver. But Kelton or Yasukohchi does not mention the video data transmitted by the transmitter is video data compressed.

However, Bourne the video data transmitted by the transmitter is video data compressed (see fig. fig. 6, the encoder has been instructed to send on step 620, and page 3, sections [0042-0043], and page 7, sections [0103-0105 and 0107-0112]). In this case, the transmitter is video data compressed, since the receiver is receiving a compressed and encoded video data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Kelton and Yasukohchi with Bourne, in order to provide transmitting the large file of video and delivery an efficient data compressed.

Regarding claims 12 and 14, Kelton teaches the results of the analysis by the reception status analyzing means is an error rate or a change rate of the error rate measured during a fixed period (see page 3, sections [0030]). In this case, the error rate or a change rate is measured in the fixed period when the data rate is varied from 6 Mbps to 54 Mbps at a fixed time period.

Regarding claim 19, Kelton teaches characterized in that at least one of the receiver and transmitter is a communication apparatus connected to AV equipment by inter-equipment communication (see fig. 1 and 2, the VCR or DVD is AV equipment, page 2, section [0023]).

5. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelton (U.S. Pub. No. 2003/0231655) in view of Yasukohchi (U.S. Patent No. 5,920,673) further in view of Kobayashi (U.S. Pub. No. 2002/0158991).

Regarding claims 21 and 22, Yasukohchi reaches the control unit controlling on performs the changing of the compression rate (see col. 5, lines 63-col. 6, lines 7). But Yasukohchi does not mention the user performs the changing of the compression rate.

However, Kobayashi the user is performed the changing of the compression rate (see page 3, section [0066]). In this case, the user instructs the to lower the compression rate that is the user performs the changing of the compression rate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Kelton and Yasukohchi with Kobayashi, in order to provide high picture quality moving image can be seen in the portable terminal (see suggested by Kobayashi on page 4, section [0091]).

Allowable Subject Matter

6. Claims 1-2, 9-11 and 16-17 are allowed.

Reasons for allowance

7. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1 and 10, the claims have been written including all of the limitations of the base claims and intervening of claim 3, therefore, claims 1 and 10 are allowable with the same reasons set forth in the previous Office action (paper mailed on 01-08-2008).

Response to Arguments

8. Applicant's arguments with respect to claims 4-8, 12-15 and 18-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
June 21, 2008

/TAN TRINH/
Primary Examiner, Art Unit 2618
06-21-2008